

RESOLUTION NO. A-_____

1 WHEREAS, the University of Nebraska - Lincoln has submitted an application for
2 a permit to use the public right-of-way in Vine Street approximately 220 feet east of the centerline
3 of North 17th Street for the installation of an 8" steam line and a 4" condensate line; and

4 WHEREAS, said applicant has submitted a letter of application and a site plan which
5 are attached hereto, marked as Exhibit "A" and Exhibit "B" respectively, and made a part of this
6 resolution by reference, to use the public right-of-way as above described; and

7 WHEREAS, said applicant has complied with all of the provisions of Chapter 14.54
8 of the Lincoln Municipal Code pertaining to such use.

9 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,
10 Nebraska:

11 That the application aforesaid of the University of Nebraska - Lincoln, hereinafter
12 referred to as "Permittee" to use the public right-of-way in Vine Street approximately 220 feet east
13 of the centerline of North 17th Street, to provide steam to the Abel and Sandoz Residence Halls,
14 is granted as a privilege only by virtue of and subject to strict compliance with the site plan, the
15 letter of application, and the following terms and conditions, to wit:

16 1. That the permission herein granted is granted as a privilege only, and is
17 subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code except that
18 the provisions relating to the posting of a continuing bond in the amount of \$5,000 and the filing of
19 a certificate of insurance are waived since Permittee is a governmental entity.

20 2. That said use shall be in full accordance with the aforesaid application, the
21 site plan filed therewith, and with all applicable City ordinances and regulations.

1 3. The Permittee, its heirs, successors or assigns shall save and keep the City
2 free and harmless from any and all loss or damages or claims for damages arising from or out of
3 the use of the public way requested herein.

4 4. That all work done under the authority of this resolution shall be subject to
5 the inspection and approval of the Director of Public Works of the City of Lincoln.

6 5. This permit may be revoked by resolution of the City Council and after giving
7 of five days written notice to the Permittee by the City Clerk, for the following reasons: (a) failure
8 or neglect of the Permittee to comply with the provisions of Chapter 14.54 of the Lincoln Municipal
9 Code, or any other provisions of the Lincoln Municipal Code or the provisions of the permit; (b)
10 failure to use the space for which the permit was granted for a continuous period of at least six
11 months or (c) upon a determination by the City that the space for which the permit was granted is
12 needed for public use.

13 Upon revocation of a permit, the Permittee shall forthwith remove or abandon
14 the space for which the permit was granted, together with the removal of any structure at their own
15 cost and expense and return that space to the City of Lincoln, free and clear of all structures or
16 encroachments of any type, at no expense to the City. If the requested removal or abandonment
17 has not been completed within six months after revocation of the permit, the City Council may
18 cause such removal or abandonment to be so done and the cost of such work shall become a lien
19 against the property of the Permittee.

20 6. The use of the public way herein granted and the terms and conditions of
21 this resolution shall be binding and obligatory upon the above-named Permittee, its successors and
22 assigns.

23 7. That within thirty (30) days from the adoption of this resolution, and before
24 commencing any construction under the provisions hereof, the above-named Permittee shall file

1 an unqualified written acceptance of all the terms and conditions of this resolution with the City
2 Clerk. Failure to do so will be considered a rejection hereof and all privileges and authorities
3 hereunder granted shall thereupon automatically terminate.

Introduced by:

Approved as to Form and Legality:

City Attorney

Approved this ____ day of _____, 2003:

Mayor